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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,403	04/20/2004	Tetsuya Kato	119474	2946
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EXAMINER RODRIGUEZ, LENNIN R				
ART UNIT 2625		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/827,403

Applicant(s)

KATO, TETSUYA

Examiner

LENNIN R. RODRIGUEZ

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4, 8-11 and 15-17 is/are rejected.
7) ☒ Claim(s) 5-7, 12-14 and 18 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 20 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/20/2004, 10/20/2006
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's arguments, see page 1, filed on 5/7/2008, with respect to the election/restriction requirement have been fully considered and are persuasive. The election/restriction requirement of claims 1-18 has been withdrawn.

Specification

2. The abstract of the disclosure is objected to because it contains more than 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-4, 8-11 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cunningham (US 6,208,436) in view of Lay (US 7,365,889).

(1) regarding claims 1 and 8:

Cunningham '436 discloses an image reading apparatus (11 in Fig. 1), comprising:

an image reader which reads an image (14 in Fig. 1), and outputs an image signal representing the read image, to a signal line (column 5, lines 59-65, where it outputs the scanned image to a final destination by a network (line)); and

a controller which includes an indicating portion indicating a first reading resolution to the image reader, so that the image reader reads the image at the first reading resolution, and which receives the image signal from the image reader via the signal line (column 7, lines 41-59, where the user specifies among many things the reading resolution (first) at which the scanner should perform the scanning portion and where by the network 17 (Fig. 1) it receives the image signal),

Cunningham '436 discloses all the subject matter as described above except the image reader including a confirmation-signal producing portion which produces a resolution confirmation signal representing a second reading resolution which should be identical, when the first reading resolution has normally been indicated by the controller to the image reader, with the first reading resolution indicated by the controller, and outputs the resolution confirmation signal to the controller,

the controller including a judging portion which receives the resolution confirmation signal from the image reader, and judges whether the second reading resolution represented by the received resolution confirmation signal is identical with the first reading resolution indicated to the image reader, and thereby judges whether the first reading resolution has normally been indicated to the image reader.

However, Lay '889 teaches the image reader including a confirmation-signal producing portion which produces a resolution confirmation signal representing a

second reading resolution which should be identical, when the first reading resolution has normally been indicated by the controller to the image reader, with the first reading resolution indicated by the controller, and outputs the resolution confirmation signal to the controller (column 8, lines 43-64, where the user sets a first reading resolution and the system returns an actual resolution indicating if it is appropriate and outputs it to the scanning optimizer 222),

the controller including a judging portion which receives the resolution confirmation signal from the image reader, and judges whether the second reading resolution represented by the received resolution confirmation signal is identical with the first reading resolution indicated to the image reader, and thereby judges whether the first reading resolution has normally been indicated to the image reader (column 8, lines 61-67 and column 9, lines 1-19, where the scanning optimizer is performing the job of the judging portion).

Having a system of Cunningham '436 and then given the well-established teaching of Lay '889, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the image reading apparatus of Cunningham '436 to include a judging portion that judges if the confirmation resolution and the first resolution are identical as taught by Lay '889 since in doing so it would allow for more accuracy and reliability for the scanner to perform a precise scan.

(2) regarding claim 15:

Cunningham '436 discloses an image reader (14 in Fig. 1), comprising:

a reading portion which reads an image at a first reading resolution indicated by an external device, and outputs an image signal representing the read image, to a signal line (column 5, lines 59-65, where it outputs the scanned image to a final destination by a network (line));

Cunningham '436 discloses all the subject matter as described above except a confirmation-signal producing portion which produces a resolution confirmation signal representing a second reading resolution which should be identical, when the first reading resolution has normally been indicated by the external device to the image reader, with the first reading resolution indicated by the external device, and outputs the resolution confirmation signal.

However, Lay '889 teaches a confirmation-signal producing portion which produces a resolution confirmation signal representing a second reading resolution which should be identical, when the first reading resolution has normally been indicated by the external device to the image reader, with the first reading resolution indicated by the external device, and outputs the resolution confirmation signal (column 8, lines 43-64, where the user sets a first reading resolution and the system returns an actual resolution indicating if it is appropriate and outputs it to the scanning optimizer 222).

Having a system of Cunningham '436 and then given the well-established teaching of Lay '889, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the image reading apparatus of Cunningham '436 to include a judging portion that judges is the confirmation resolution and the first

resolution are identical as taught by Lay '889 since in doing so it would allow for more accuracy and reliability for the scanner to perform a precise scan.

(3) regarding claims 2 and 9:

Cunningham '436 discloses all the subject matter as described above except wherein the controller includes a controlling portion which controls, when the judging portion judges that the first reading resolution has not normally been indicated to the image reader, the image reader to stop reading the image.

However, Lay '889 teaches wherein the controller includes a controlling portion which controls, when the judging portion judges that the first reading resolution has not normally been indicated to the image reader, the image reader to stop reading the image (column 9, lines 3-19, where the scanning optimizer stops if the resolution is not the optimal).

Having a system of Cunningham '436 and then given the well-established teaching of Lay '889, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the image reading apparatus of Cunningham '436 to include a judging portion that judges is the confirmation resolution and the first resolution are identical as taught by Lay '889 since in doing so it would allow for more accuracy and reliability for the scanner to perform a precise scan.

(4) regarding claims 3 and 10:

Cunningham '436 further discloses wherein the indicating portion of the controller indicates the first reading resolution to the image reader via the signal line (column 7, lines 41-59, where the user specifies among many thing the reading resolution (first) at

which the scanner should perform the scanning portion and where by the network 17 (Fig. 1) it receives the image signal),

Cunningham '436 discloses all the subject matter as described above except wherein the confirmation-signal producing portion of the image reader outputs the resolution confirmation signal to the controller via the signal line.

However, Lay '889 teaches wherein the confirmation-signal producing portion of the image reader outputs the resolution confirmation signal to the controller via the signal line (column 8, lines 43-64, where the system returns an actual resolution indicating if it is appropriate and outputs it to the scanning optimizer 222).

Having a system of Cunningham '436 and then given the well-established teaching of Lay '889, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the image reading apparatus of Cunningham '436 to include a judging portion that judges is the confirmation resolution and the first resolution are identical as taught by Lay '889 since in doing so it would allow for more accuracy and reliability for the scanner to perform a precise scan.

(5) regarding claims 4 and 11:

Cunningham '436 discloses all the subject matter as described above except wherein before the image reader outputs the image signal to the controller via the signal line, the confirmation- signal producing portion of the image reader outputs the resolution confirmation signal to the controller via the signal line.

However, Lay '889 teaches wherein before the image reader outputs the image signal to the controller via the signal line, the confirmation- signal producing portion of

the image reader outputs the resolution confirmation signal to the controller via the signal line (column 8, lines 43-64, where the system returns an actual resolution indicating if it is appropriate and outputs it to the scanning optimizer 222).

Having a system of Cunningham '436 and then given the well-established teaching of Lay '889, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the image reading apparatus of Cunningham '436 to include a judging portion that judges if the confirmation resolution and the first resolution are identical as taught by Lay '889 since in doing so it would allow for more accuracy and reliability for the scanner to perform a precise scan.

(6) regarding claims 5 and 12:

Cunningham '436 further discloses wherein the image reader reads each one of a plurality of lines in the image (column 5, lines 36-44, where it is inherent that in order to read a whole document it has to be read line by line as it is evident in Sprague (US 4,204,230) (column 1, lines 49-60)), in a corresponding one of a plurality of image reading operations (column 5, lines 45-57, where examples are character recognition and scanning images), and wherein each time the image reader performs one of the image reading operations, the indicating portion of the controller indicates the first reading resolution to the image reader (column 7, lines 41-59, where the user specifies among many things the reading resolution (first) at which the scanner should perform the scanning portion and where by the network 17 (Fig. 1) it receives the image signal).

Allowable Subject Matter

5. Claims 5-7, 12-14 and 18 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

(1) the limitation of claims 5, 12 and 18 that reads "wherein each time the image reader performs said one of the image reading operations, the indicating portion of the controller indicates the first reading resolution to the image reader, and the confirmation-signal producing portion of the image reader outputs, to the controller, a corresponding one of a plurality of said resolution confirmation signals which represents a corresponding one of a plurality of said second reading resolutions, and wherein the judging portion of the controller judges, when the judging portion judges that said one second reading resolution represented by said one resolution confirmation signal is not identical with the first reading resolution, whether a next one of the second reading resolutions which is represented by a next one of the resolution confirmation signals is identical with the first reading resolution, and the judging portion judges, when the judging portion judges that said next second reading resolution represented by said next resolution confirmation signal is not identical with the first reading resolution, that the first reading resolution has not normally been indicated to the image reader" is not taught by the cited references either alone or in combination.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LENNIN R. RODRIGUEZ whose telephone number is (571)270-1678. The examiner can normally be reached on Monday - Thursday 7:30am - 6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Supervisory Patent Examiner, Art Unit 2625

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